

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

WILLIE JAMES ALLEN

PETITIONER

VS.

CIVIL ACTION NO: 5:14-cv-60-DCB-MTP

WARDEN TIMOTHY OUTLAW

RESPONDENT

ORDER

This cause is before the Court on the petitioner Willie James Allen's "rebuttal" regarding the Final Judgment issued in this case on August 12, 2015, which dismissed Allen's Petition for Habeas Corpus under 28 U.S.C. § 2254. The Court construes the petitioner's "rebuttal" (**docket entry 17**) as a motion for reconsideration pursuant to Federal Rule of Civil Procedure 59(e). Having carefully considered the motion and the respondent's response thereto, the Court finds as follows:

On August 12, 2015, this Court adopted the Report and Recommendation of Magistrate Judge Michael T. Parker, found that Allen's Petition was untimely, and found that Allen failed to meet his burden of proving that additional statutory or equitable tolling is appropriate. There are three possible grounds for a motion for reconsideration: (1) an intervening change in controlling law, (2) the availability of new evidence that was not previously available, and (3) the need to correct a clear error of law or prevent manifest injustice. Atkins v. Marathon LeTourneau

Co., 130 F.R.D. 625, 626 (S.D. Miss. 1990). Allen makes no argument nor cites any authority to support a motion to alter or amend the judgment pursuant to Rule 59(e). He fails to set forth any change in controlling law or any new evidence that was not previously available. Nor does he provide any basis upon which the Court could find clear error of law or manifest injustice. The petitioner's motion shall therefore be denied.

After the respondent's response to his motion, petitioner filed two additional documents in support of his motion for reconsideration, a "Notice" (docket entry 19), and another "Notice" (docket entry 20). Neither of these documents provide a basis for reconsideration of the Court's Final Judgment.

Accordingly,

IT IS HEREBY ORDERED that the petitioner Willie James Allen's "rebuttal" (**docket entry 17**), which the Court treats as a motion for reconsideration pursuant to Federal Rule of Civil Procedure 59(e), is DENIED.

SO ORDERED, this the 28<sup>th</sup> day of December, 2015.

s/David Bramlette  
UNITED STATES DISTRICT JUDGE